

ATTORNEY DOCKET NO.: 2004P00819WOUS

UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Johann Magg et al  
Application Number: 10/587,226  
Filing Date: 07/24/2006  
Group Art Unit: 3742  
Examiner: Reginald Alexander  
Title: BREWING CHAMBER FOR A COFFEE MACHINE,  
AND COFFEE MACHINE

Mail Stop Amendment AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR RECONSIDERATION**

Dear Sir:

This Request for Reconsideration is in response to the Advisory Action dated November 20, 2009, which addresses the Amendment B filed on November 9, 2009, in response to the Final Office Action dated August 10, 2009. Please charge Deposit Account No. 502786 for any deficiency or overpayment.

Regarding the rejection of claims 17, 29, 31 and 32 under 35 U.S.C. §102(b) based on Fiori, Amendment B argued that independent claims 17 and 32 include the feature of a top part having an outer seal, a feature that is not disclosed in Fiori. The Final Office Action asserted that Fiori discloses “an outer seal 32”. As argued in Amendment B, element 32 of Fiori is a spring, not a seal. The Advisory Action states that “the band 36 and not spring 32 represents the broad recitation in claim 17 of an outer seal”. Because the Examiner has changed his position as to what element of Fiori corresponds to the claimed seal, Applicants should have a proper opportunity to respond

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to the new basis of rejection. As a result, Applicants respectfully request that a new office action be issued to afford Applicants this opportunity.

Applicants request entry of Amendment B and issuance of a new office action if the Examiner believes that Amendment B does not place the Application in condition for allowance.

**CONCLUSION**

In view of the above, Applicants respectfully request entry of Amendment B and allowance of claims 17 and 19-36. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

/James E. Howard/

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December 08, 2008

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